

irregularity in said at least one fuel cell electricity generating device.

Throughout prosecution, Applicants have continuously maintained that the cited prior art does not disclose nor suggest each feature of claim 12. The features of claim 12 have steadfastly included the “database” feature. Until the present Office Action, the Examiner has not addressed Applicants’ assertions that each feature of claim 12 is neither disclosed nor suggested by the prior art. By not addressing each feature of claim 12 in the prior Office Actions, the Examiner has failed to give claim 12 a full examination on its merits. Applicants submit that the new grounds for rejection that were not necessitated by Applicants’ amendment. Accordingly, Applicants respectfully request the Examiner withdraw the finality of the present Office Action as premature in accordance with MPEP § 706.07(d) and enter the current amendment as a matter of right.

Rejection Under 35 U.S.C. § 103

Claims 1-4, 6-11, 14-16 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,481 to Thompson et al. (“Thompson”) in view of U.S. Patent No. 6,311,105 to Budike, Jr. (“Budike”) further in view of U.S. Publication No. 2004/0167853 to Sharma (“Sharma”). The Examiner contends that Thompson discloses most of the features recited in claims 1-4, 6-11, 14-16 and 18-19. However, the Examiner acknowledges that Thompson does not disclose the electricity provider using the Internet for billing and payment of the electricity service. The Examiner cites Budike as disclosing a multi-utility energy control system and method, wherein a controlled wireless network is provided, including the Internet, for

CONCLUSION

Each and every point raised in the Office Action dated October 27, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing, the finality of the present Office Action should be withdrawn as premature and this Amendment entered as a matter of right. Claims 1-19 are in condition for allowance and it is respectfully requested that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: April 21, 2006

Respectfully submitted,

By

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